

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT HERSHAL PERKIS,)
Petitioner,)
v.) Case No. CIV-05-1143-M
MARTY SIRMONS, Warden,)
Respondent.)

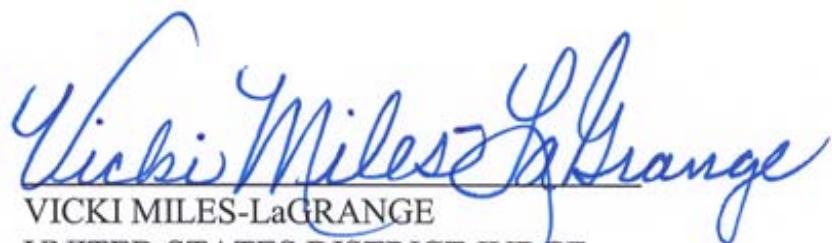
ORDER

On October 3, 2005, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254. Magistrate Judge Purcell recommends that this Court deny Petitioner's application to proceed *in forma pauperis* [docket no. 2] and dismiss the action without prejudice unless Petitioner pays the full filing fee by October 24, 2005. Petitioner was advised of his right to object to the Report and Recommendation by October 24, 2005. A review of the record reveals that no objection has been filed and that Petitioner paid the full filing fee on October 14, 2005.

Having carefully reviewed the matter *de novo*, the Court:

- (1) ADOPTS the Report and Recommendation issued by Magistrate Judge Purcell on October 3, 2005;
- (2) DENIES Petitioner's application to proceed *in forma pauperis* [docket no. 2]; and
- (3) RECOMMITS this matter to Magistrate Judge Purcell for further proceedings.

IT IS SO ORDERED this 2nd day of November, 2005.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE